



California Regional Water Quality Control Board

Lahontan Region

Winston H. Hickox
Secretary for
Environmental
Protection

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Gray Davis
Governor

MINUTES

OCTOBER 10 -11, 2001

Regular Meeting

Lahontan Regional Water Quality Control Board
City of Bishop, City Council Chambers
377 West Line Street
Bishop

Dr. Cooley, Chairperson, called the meeting to order at 4:05 p.m. on October 10, 2001.
Roll call of Board members and staff introductions.

BOARD MEMBERS PRESENT

John Brissenden, Hope Valley
Beatrice Cooley, Ph.D., Bishop
Eugene B. Nebeker, Ph.D., Lancaster
Jack Clarke, Apple Valley
Eric Sandel, P.E., Truckee

BOARD MEMBERS ABSENT

None

LEGAL COUNSEL

Steven H. Blum, State Water Resources Control Board

STAFF PRESENT

Harold J. Singer, Executive Officer
Robert S. Dodds, Assistant Executive Officer
Hisam Baqai, Supervising WRCE
Cindi Mitton Chief, Mono/Owens Watershed
Tim Post, Senior Engineering Geologist
Rebecca Phillips, Office Technician
Susan-Marie Hagen, Executive Assistant

ADDRESSING THE BOARD

Kathleen Cox, Bureau of Land Management
John Moynier, Mammoth Community Water District
Dominic Gregario, State Water Resources Control Board
Greg Jennison, Mammoth Lakes Contractors Association
Benno Nager, Intrawest, Town of Mammoth Lakes
Bill Taylor, Planning Department, Town of Mammoth Lakes
Steve Black, Public Works Department, Town of Mammoth Lakes
Alex Hackman, Compliance Division, Town of Mammoth Lakes

1. Executive Officer's Report (Harold Singer)

Executive Officer, Harold Singer, highlighted several items from the written report covering July, August and September:

- TMDLs (total maximum daily loads)
- Water Quality Assessment
- Section 303d list for impaired surface waters: State Water Resources Control Board is planning on adopting the statewide list in May or June of 2002. Lahontan Regional Board will keep current 303d listings on the list. A number of water bodies in the region were de-listed over the last year as impairments had been removed.
- Effluent dominated water bodies (regarding standards in Basin Plans)

Mr. Singer noted the PG&E/Hinkley site in the Discussion of Standing Items. He provided Board members with the Lahontan Regional Board's new organizational chart and noted new staff and staff who have been promoted. He also handed out a proposed schedule for Lahontan Regional Board meetings for 2002.

The Board discussed the upcoming Water Quality Coordinating Committee meeting in Palm Desert on November 1-2, 2001. Mr. Singer, Mr. Clarke, Dr. Nebeker, Mr. Sandel and Dr. Cooley will be attending.

The Board recessed for dinner. Mr. Singer continued his EO report to Thursday, October 11. Chair Cooley reconvened the meeting at 7:05 pm. All Board members were present and introduced by the Chair. Mr. Singer introduced staff present at the meeting.

2. **PUBLIC FORUM**

No member of the public addressed the Board during the Public Forum.

3. **MINUTES**

The minutes of the Regular Meeting of June 13-14, 2001 in Bishop were approved.

Motion: Moved by Mr. Sandel, seconded by Mr. Clarke **and unanimously carried** to adopt the June minutes as proposed.

4. **ADOPTION OF UNCONTESTED CALENDAR**

Executive Officer Harold Singer recommended adopting the Uncontested Calendar for October, 2001.

Questions and comments from the Board and responses from staff were as follows:

Item # 9: Dr. Nebeker. Hisam Baqai responded.

Item # 13: Dr. Cooley. Tim Post responded.

Item # 14: Dr. Cooley. Mr. Singer responded.

Motion: Moved by Mr. Clarke, seconded by Mr. Sandel **and unanimously carried** to adopt as proposed Items # 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, and 20; and to remove Items # 7 and # 17 from the uncontested calendar for further discussion by the Board and to be considered together.

Motion: Moved by Mr. Sandel, seconded by Mr. Brissenden **and unanimously carried** to accept staff's recommendation and adopt the proposed rescissions for Items # 7 and # 17.

Rescission of Waste Discharge Requirements: Items # 5, 6, 7.

Rescission of Cease and Desist Order: Item # 17.

Revised Waste Discharge Requirements: Items # 8, 9, 10, 11, 12, 13.

Amended Waste Discharge Requirements: Items # 14, 15, 16.

Exception to SEZ Prohibition: Item # 18.

Exception to Waste Discharge Prohibition: Item # 19.

Exception to Waste Discharge Prohibition: Item # 20.

- 21. Town of Mammoth Lakes, Citizen Monitoring Program and Review of Actions by the Town of Mammoth Lakes Regarding Implementation of Erosion Control Requirements.** Cindi Mitton, Lahontan Regional Board staff, introduced the item and made the staff presentation on behalf of the Citizen's Water Quality Monitoring Group in the Mammoth Creek Watershed. Ms. Mitton responded to questions from the Board.

Ms. Mitton introduced Dominic Gregario, regional coordinator of the Citizen Water Quality Monitoring program for the State Water Resources Control Board. He described the program and its goal of collecting water quality data statewide through the work of citizen volunteers. Monitoring is ongoing in the Mammoth Creek Watershed area.

Ms. Mitton gave the second part of her presentation on erosion control problems that were occurring in the Town of Mammoth Lakes due to construction sites. The 1991 Memorandum of Understanding (MOU) between the Regional Board and the Town of Mammoth Lakes regarding erosion control in Mammoth Lakes was the topic of discussion. Ms. Mitton presented staff recommendations and responded to questions from the Board.

Mr. Steven Black, new public works director; Mr. William Taylor, senior planner; and Mr. Alex Hackman, code compliance coordinator for the Town of Mammoth Lakes, presented historical background and discussed improvements the Town has made to better regulate erosion from construction sites. Mr. Black submitted a report to the Board titled: A Summary of Recent Efforts to Ensure Compliance with Erosion and Sediment Control Requirements for the Town of Mammoth Lakes:

The following private citizens from the Town of Mammoth Lakes made comments to the Board and requested that the MOU not be amended: Mr. Benno Nager of Intrawest; Mr. Greg Jennison of Mammoth Lakes Contractors Association. John Moynier, of Mammoth Community Water District, also addressed the Board.

Regional Board members expressed support for the appropriate actions of staff and positive efforts on the part of the community, residents, local building and construction industry, and the Town of Mammoth Lakes agency staff in their intent to address and correct erosion control and related water quality problems in the Mammoth area. The Board supported staff's recommendations to leave the MOU unchanged; to extend the review period to June instead of April; to request progress reports at future board meetings; and to continue to maintain a good working relationship with the staff of the Town of Mammoth Lakes.

- 22. Security Issues – Regulated Dischargers and Water Purveyors.** Mr. Singer distributed to Board members Sections 13350; 13327; and 13385 from the State Water Code regarding security issues and State Water Board policy and a news article on potential water security problems in light of the September 11, 2001, terrorism attack in New York.

The evening meeting session adjourned at 9:53 p.m.

Regular Meeting, Continued
8:30 a. m ., October 11, 2001

Chairperson Cooley called the meeting to order at 8:36 a.m. Other Board members present included: John Brissenden; Jack Clarke; Eugene Nebeker; and Eric Sandel.

No one from the public addressed the Board concerning an item not on the agenda.

24. CLOSED SESSION

The Board members met in closed session on October 11, 2001 from 8:40 a.m. to 9:30 a.m. in the Bishop City Hall council chambers to discuss items (a); (c); and (f). The Board reconvened in open session at 9:40 a.m.

23. Reports by Chairperson and Board Members

The Board members discussed the upcoming Water Quality Coordinating Committee meeting in Palm Desert on November 1-2, 2001.

ENFORCEMENT ACTION

- 29. *Public Hearing - Consideration of an Amended Cleanup and Abatement***
25. *Order and Rescission of a Cease and Desist Order and consideration of amended*
26. *Waste Discharge Requirements – IMC Chemicals, Inc. and the U. S. Department*
27. *of the Interior, Bureau of Land Management, Trona, Argus and Westend Plants.*

Chair Cooley opened the public hearing and administered the oath. The Board asked to hear all testimony and consider Items # 25; 26; 27; and ~~28~~ 29 together, as all items were regarding IMC Chemicals, Inc.

Cindi Mitton gave the staff presentation. Staff recommended that the Board: adopt the ~~revisions and amend the proposed~~ Waste Discharge Requirements (WDRs), with the minor revisions noted in the presentation, for all three facilities: ~~located near Searles Dry Lake consisting of the Argus, Trona and Westend Plants;~~ amend the Cleanup and Abatement Order including the minor changes proposed; and rescind the Cease and Desist Order.

~~Staff proposed the following change to Table 1, page 4, of the Cleanup and Abatement Order for Items # 25, 26, and 27: to stike out footnote # 3; and correct a typographical Error from “March 3” to “December 1 through March 31” of each year.~~

Kathleen Cox, Bureau of Land Management, read an August 15, 2001 letter addressed to the Board, dated August 15, 2001, concurring with the recommended revisions to amend the WDRs for the Argus, Trona and Westend Plants.

Motion: Moved by Mr. Clarke, seconded by Dr. Nebeker **and unanimously Carried** to adopt as proposed Items # 25, 26, 27, and 29, amending the Cleanup and Abatement Order with revisions and to rescind the Cease and Desist Order.

Roll call vote: Voting “yes”: Mr. Clarke, Mr. Sandel, Dr. Cooley, Mr. Brissenden, Dr. Nebeker. Voting “no”: none.

- 28, ***Public Hearing: - Consideration of an Administrative Civil Liability Order for El Dorado County Department of Transportation, for the Unauthorized Discharge of Fresh Concrete Waste Into a Storm Water Conveyance and Thence to Trout Creek, Tributary to Lake Tahoe, El Dorado County, in Violation of General Waste Discharge Requirements (Board Order No. 6-91-31-225) and Prohibitions of the Water Quality Control Plan for the Lahontan Region.***

Chair Cooley stated that the Board has reached an Administrative Civil Liability agreement and received settlement from the party.

24. **CLOSED SESSION**

The Board members met in closed session on October 11, 2001 from 10:40 a.m. to 11:52 a. m. in the Bishop City Hall council chambers to discuss Items (a), (b), (h) and (i). The Board reconvened in open session at 11:53 a.m.

1. **Executive Officer’s Report** (continued)

Mr. Singer stated that the Lahontan Regional Board staff has recently received several Timber Harvesting Plans (THPs) for the northern part of the region that propose the use of herbicides. The THPs do not contain adequate information about the proposed herbicide applications for staff to determine whether violations of the Basin Plan’s pesticide objectives may occur. Mr. Singer recommended that staff request additional information pursuant to Water Code Section 13267.

There being no further business to come before the Board, the October 10-11, 2001 meeting of the Lahontan Regional Board adjourned at 11:58 a.m.

Prepared by: _____
Susan-Marie Hagen, Executive Assistant

Adopted: November 14, 2001